

Notice of Allowability

Application No.

09/737,588

Examiner

Kelly L. Jerabek

Applicant(s)

SAITO, YUTAKA

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 11/23/2005.
2. ☒ The allowed claim(s) is/are 1, 3-6 (renumbered as 2-5 respectively), 8 (renumbered as 6), 10 (renumbered as 7), and 12 (renumbered as 8).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

NGOC-YEN VU
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Deidre Davis on 1/26/2006.

Claims 1, 5 and 6 have been amended as follows:

Claim 1 (currently amended) A processing system comprising:
a timer; and

a control unit monitoring a button for instructing an execution of taking a photograph of an image, detecting depression of the button, starting up said timer if said button is depressed continuously for a predetermined period of time or longer after detecting the depression of the button, and taking the photograph of the image after said timer has counted a second predetermined period of time,

wherein said control unit, when a depressing time of said button is less than the first predetermined period of time, takes the photograph of the image immediately after releasing said button from being depressed.

Art Unit: 2612

Claim 5 (currently amended) A processing system comprising:

a module detecting a depressing time of a button instructing the taking of a photograph of an image; and

a module changing an interval from a timing of releasing said button to a timing of taking the photograph of the image after releasing said button from being depressed according to a length of the depressing time of said button, wherein when the length of the depressing time is less than a first predetermined time period, the photograph of the image is taken immediately after releasing said button from being depressed, and when the length of the depressing time is continuous for the first predetermined time period or longer, the photograph of the image is taken after a second predetermined time period has elapsed".

Claim 6 (currently amended) An image photographing system comprising:

a button instructing an execution of taking a photograph of an image;

a control unit monitoring a depression of said button; and

a timer,

wherein said control unit starts up said timer by setting a first count time upon detecting the depression of said button, and starts up said timer by further setting a second count time when the first count time has elapsed before the depressed button is released, and

taking the photograph of the image after the second count time has elapsed, and taking the photograph of the image immediately, when said depressed button is released before the first count time elapses"

Allowable Subject Matter

Claims 1, 3-6 (renumbered as 2-5 respectively), 8 (renumbered as 6), 10 (renumbered as 7), and 12 (renumbered as 8) are allowed.

The following is an examiner's statement of reasons for allowance:

Re claims 1 and 3-4 (renumbered as 2-3 respectively), the prior art fails to teach or suggest, "A processing system, comprising: a timer; and a control unit monitoring a button for instructing an execution of taking a photograph of an image... wherein said control unit, when a depressing time of said button is less than the first predetermined period of time, takes the photograph of the image immediately after releasing said button from being depressed".

Re claim 5 (renumbered as claim 4), the prior art fails to teach or suggest, "A processing system comprising: a module detecting a depressing time of a button instructing the taking of a photograph of an image; and a module...wherein when the

Art Unit: 2612

length of the depressing time is less than a first predetermined time period, the photograph of the image is taken immediately after releasing said button from being depressed, and when the length of the depressing time is continuous for the first predetermined time period or longer, the photograph of the image is taken after a second predetermined time period has elapsed”.

Re claim 6 (renumbered as claim 5), the prior art fails to teach or suggest, “An image photographing system comprising: a button instructing an execution of taking a photograph of an image; a control unit...; an a timer, wherein said control unit starts up said timer by setting a first count time upon detecting the depression of said button, and starts up said timer by further setting a second count time when the first count time has elapsed before the depressed button is released, and taking the photograph of the image after the second count time has elapsed, and taking the photograph of the image immediately, when said depressed button is released before the first count time elapses”.

Re claims 8 and 10 (renumbered as claims 6 and 7 respectively), the prior art fails to teach or suggest, “A storage medium readable by a machine tangible embodying a program of instructions executable by the machine to perform method steps comprising: detecting a depressing of a button for instructing to take a photograph of an image; starting up a timer by setting a first count time...; detecting a release of said

Art Unit: 2612

button; starting up a timer by further setting a second count time...; taking the photograph of the image after the second count time has elapsed and taking the photograph of the image immediately, when said depressed button is released before the first count time elapses”.

Re claim 12 (renumbered as claim 8), the prior art fails to teach or suggest, “An apparatus comprising: a timer to count first and second predetermined time periods...; and a control unit monitoring a button for capturing a image photograph, the control unit detecting depression of the button, starting up the timer when the button is depressed continuously for the first predetermined time period or longer after detecting the depression of the button, and capturing the image photograph after the timer has counted the second predetermined time period, and when a depressing time of the button is less than the first predetermined timer period, capturing the image photograph immediately, after releasing said button from being depressed”

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

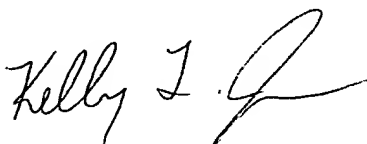
Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on **(571) 272-7320**. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



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PRIMARY EXAMINER